

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MS. ESCOBAR OF TEXAS

At the end of subtitle C of title XVIII, insert the following:

1 **SEC. 18__ . ACCESS TO DEPARTMENT OF VETERANS AF-**
2 **FAIRS MENTAL AND BEHAVIORAL HEALTH**
3 **CARE FOR CERTAIN INDIVIDUALS DIS-**
4 **CHARGED OR RELEASED FROM THE ACTIVE**
5 **MILITARY, NAVAL, OR AIR SERVICE UNDER**
6 **CONDITIONS OTHER THAN HONORABLE.**

7 (a) IN GENERAL.—Subchapter II of chapter 17 of
8 title 38, United States Code, is amended by inserting after
9 section 1712C the following new section:

10 **“§ 1712D. Mental and behavioral health care for cer-**
11 **tain individuals discharged or released**
12 **from the active military, naval, or air**
13 **service under conditions other than hon-**
14 **orable**

15 “(a) IN GENERAL.—Notwithstanding section 5303(a)
16 of this title and subject to subsection (c), the Secretary
17 shall furnish to an eligible individual covered mental and
18 behavioral health care.

1 “(b) ELIGIBLE INDIVIDUALS.—For purposes of this
2 section, an eligible individual is any of the following:

3 “(1) An individual who—

4 “(A) served in the active military, naval, or
5 air service for a period of more than 180 days
6 and was deployed in a theater of combat oper-
7 ations or an area at a time during which hos-
8 tilities are occurring in that area for a period
9 of more than 30 days during such service;

10 “(B) was discharged or released from such
11 service by reason of committing a covered of-
12 fense; and

13 “(C) was diagnosed by a qualified mental
14 health care provider with a mental or behavioral
15 health condition before committing the covered
16 offense.

17 “(2) An individual who—

18 “(A) served in the active military, naval, or
19 air service for a period of more than 180 days
20 and was deployed in a theater of combat oper-
21 ations or an area at a time during which hos-
22 tilities are occurring in that area for a period
23 of more than 30 days during such service;

1 “(B) was discharged or released from such
2 service by reason of committing a covered of-
3 fense;

4 “(C) is diagnosed with a mental or behav-
5 ioral health condition after committing such
6 covered offense but before the expiration of the
7 five-year period beginning on the later of—

8 “(i) the date of the enactment of the
9 National Defense Authorization Act for
10 Fiscal Year 2024; or

11 “(ii) the date on which the individual
12 is discharged or released from such service;

13 “(D) submits to the Secretary—

14 “(i) a certification from a qualified
15 mental health care provider that the pro-
16 vider believes such condition may have led
17 the individual to commit such offense; and

18 “(ii) the Certificate of Release or Dis-
19 charge from Active Duty (DD Form 214)
20 of the individual; and

21 “(E) is determined by the Secretary pursu-
22 ant to subsection (c) to have had a mental or
23 behavioral health condition at the time the indi-
24 vidual committed the covered offense that con-
25 tributed to the commission of the offense.

1 “(c) DETERMINATION BY SECRETARY.—(1) Not later
2 than 90 days after receiving the information submitted
3 under subsection (b)(2)(D) with respect to an individual,
4 the Secretary shall determine whether, at the time of com-
5 mitting the covered offense, the individual had a mental
6 or behavioral health condition that contributed to the com-
7 mission of the offense.

8 “(2) If the Secretary does not make a determination
9 under paragraph (1) with respect to a mental or behav-
10 ioral health condition of an individual before the end of
11 the 90-day period beginning on the date of the submittal
12 of the information described in subsection (b)(2)(D), the
13 condition is deemed to be a mental or behavioral health
14 condition that contributed to the commission of the of-
15 fense until such time as the Secretary makes the deter-
16 mination.

17 “(d) INITIAL MENTAL HEALTH SCREENING.—(1)
18 The Secretary may furnish to each individual described
19 in paragraph (2) an initial mental health screening not
20 later than the later of—

21 “(A) five years after the date of the enactment
22 of the National Defense Authorization Act for Fiscal
23 Year 2024; or

1 “(B) five years after the date on which the indi-
2 vidual was discharged or released from the active
3 military, naval, or air service.

4 “(2) Individuals described in this paragraph are the
5 following:

6 “(A) Eligible individuals described in subsection
7 (b)(1).

8 “(B) Individuals described in subparagraphs
9 (A), (B), and (C) of subsection (b)(2).

10 “(3) The mental health screening provided to an indi-
11 vidual under paragraph (1) shall be at no cost to the indi-
12 vidual.

13 “(e) NOTIFICATION OF ELIGIBILITY.—The Secretary
14 shall notify each eligible individual described in subsection
15 (b)(1) about the eligibility of the individual for covered
16 mental and behavioral health care under this section not
17 later than the later of—

18 “(1) 180 days after the date of the enactment
19 of the National Defense Authorization Act for Fiscal
20 Year 2024; or

21 “(2) 180 days after the date on which the indi-
22 vidual was discharged or released from the active
23 military, naval, or air service.

24 “(f) ANNUAL REPORT.—Not less frequently than an-
25 nually, the Secretary shall submit to the Committee on

1 Veterans' Affairs of the Senate and the Committee on Vet-
2 erans' Affairs of the House of Representatives a report
3 that includes, with respect to the year preceding the sub-
4 mittal of the report, the following:

5 “(1) The number of eligible individuals who
6 were furnished covered mental and behavioral health
7 care under this section.

8 “(2) The number of individuals who the Sec-
9 retary determined under subsection (c) did not have
10 a mental or behavioral health condition at the time
11 of committing a covered offense that contributed to
12 the commission of the offense.

13 “(3) The number of individuals who requested
14 an initial mental health screening under subsection
15 (d).

16 “(4) The number of individuals who were fur-
17 nished an initial mental health screening under sub-
18 section (d).

19 “(g) DEFINITIONS.—In this section:

20 “(1) The term ‘covered mental and behavioral
21 health care’ means the same types of medical serv-
22 ices furnished by the Department to individuals with
23 service-connected mental or behavioral health condi-
24 tions to treat such conditions.

1 “(2) The term ‘covered offense’ means an of-
2 fense for which an individual is discharged or sepa-
3 rated from the active military, naval, or air service
4 under conditions other than honorable but not a dis-
5 honorable discharge or a discharge by court-martial.

6 “(3) The term ‘qualified mental health care
7 provider’ means a licensed or certified health care
8 provider whose scope of practice includes diagnosing
9 mental or behavioral health conditions and includes
10 physicians, psychologists, psychiatric nurse practi-
11 tioners, physician assistants, clinical social workers,
12 and licensed professional counselors.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 17 of such title is amended
15 by inserting after the item relating to section 1712C the
16 following new item:

 “1712D. Mental and behavioral health care for certain individuals discharged
 or released from the active military, naval, or air service under
 conditions other than honorable.”.

17 (c) EFFECTIVE DATE.—Section 1712D of title 38,
18 United States Code, as added by subsection (a), shall take
19 effect on the date that is 120 days after the date of the
20 enactment of this Act.

